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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,042	12/30/2003	Jon C. Graff	042933/272518	9223
826	7590	10/11/2005	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			LE, NANCY LOAN T	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Me

Office Action Summary

Application No.

10/749,042

Applicant(s)

GRAFF, JON C.

Examiner

NANCY LOAN T. LE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendments

1. This office action is responsive to amendment filed on 25 July 2005 in which remarks/arguments are presented; none of the existing claims is amended or canceled; and no new claim is added.

Status of Claims

2. Claims 1-18 have been examined.

Response to Arguments

3. Applicant's arguments, see amendment, filed on 25 July 2005, with respect to the rejection(s) of claims 1-18 under Pirhonen, U.S. Patent Publication no. 2004/0039709 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Gasser et al, U.S. Patent no. 5,224,163 published on 29 June 1993.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Independent claims 1, 7, 13 are rejected under 35 U.S.C. §102(b) as being anticipated by Gasser et al., U.S. Patent No. 5,224,163, published on 29 June 1993.

As per **claim 1**, Gasser et al. disclose a system comprising:

- a terminal capable of communicating at least one of within and across at least one network, wherein the terminal is included within an organization including a plurality of terminals, at least one terminal having at least one characteristic and being at least one of a plurality of positions within the organization (i.e., workstations named $W_1, W_2, \dots, W_s, \dots, W_n$ in a distributed computer system network – see col. 2, lines 60-66, and figure 6);

- a secondary certification authority (CA) capable of providing at least one role certificate to the terminal based upon the at least one position of the terminal within the organization, wherein the organization includes a plurality of secondary CA's capable of issuing at least one role certificate to respective groups of terminals of the organization (i.e., a central certifying authority {perhaps a human resource manager} capable of providing a human "user" of a workstation certificate, {with *user* is being a role} by means of a smart card – col. 12, lines 43-66);
- a tertiary CA capable of providing at least one permission certificate to the terminal based upon the at least one characteristic of the terminal that is located at a position within the organization, wherein the organization includes a plurality of tertiary CA's capable of issuing at least one permission certificate to respective sub-groups of terminals of the organization (i.e., the user P's smart card SC, at the time of login to workstation W_1 , signed a "delegation certificate D1" as a permission certificate, which authorizes/delegates to workstation W_1 , which in turn permits/delegates to workstation W_2 via "delegation certificate D2" to speak/act for/on behalf of the user P – col. 13, lines 23-68; col. 14, lines 1-5); and
- a server capable of authenticating the terminal based upon an identity certificate, the at least one role certificate and the at least one permission certificate of the terminal to thereby determine whether to grant the terminal access to at least one resource of the server (i.e., through a chain of reasoning using both delegation certificates D1, D2, and the authentication/identity certificate, the system resource W_s can conclude that workstation W_2 is indeed authorized to speak for the user P, i.e., authorized to access to a file on the system resource W_s – col. 14, lines 5-18).

As per **claim 7**, Gasser et al. disclose a method of authenticating a terminal comprising:

- providing a terminal capable of communicating at least one of within and across at least one network, wherein the terminal is included within an organization including a plurality of terminals, at least one terminal having at least one characteristic and being at least one of a

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plurality of positions within the organization (i.e., workstations named $W_1, W_2, \dots, W_s, \dots, W_n$ in a distributed computer system network – see col. 2, lines 60-66, and figure 6);

- providing at least one role certificate to the terminal from a secondary certification authority (CA) based upon the at least one position of the terminal within the organization, wherein the organization includes a plurality of secondary CA's capable of issuing at least one role certificate to respective groups of terminals of the organization (i.e., a human "user" of a workstation certificate, {with *user* is being a role} – col. 12, lines 43-66; or membership certificates for group G – col. 9, lines 38-60);
- providing at least one permission certificate to the terminal from a tertiary CA based upon the at least one characteristic of the terminal located at a position within the organization, wherein the organization includes a plurality of tertiary CA's capable of issuing at least one permission certificate to respective sub-groups of terminals of the organization (i.e., "delegation certificates D1, D2", which the user P's smart card SC authorizes/delegates to workstation W_1 , which in turn permits/delegates to workstation W_2 via "delegation certificate D2" to speak/act for/on behalf of the user P – col. 13, lines 23-68; col. 14, lines 1-5); and
- authenticating the terminal at a server based upon an identity certificate, the at least one role certificate and the at least one permission certificate of the terminal to thereby determine whether to grant the terminal access to at least one resource of the server (i.e., through a chain of reasoning using both delegation certificates D1, D2, and the authentication/identity certificate, the system resource W_s can conclude that workstation W_2 is indeed authorized to speak for the user P, i.e., W_2 is indeed authorized to access to a file on the system resource W_s – col. 14, lines 5-18).

As per **claim 13**, Gasser et al. disclose a terminal included within an organization including a plurality of terminals, each terminal having at least one characteristic and being at least one of a plurality of positions within the organization, the terminal comprising:

- a *controller* capable of communicating at least one of within and across at least one network, wherein the controller is capable of obtaining at least one role certificate 10 from a secondary

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certification authority (CA) based upon the at least one position of the terminal within the organization and at least one permission certificate from a tertiary CA based upon the at least one characteristic of the terminal that is located at a position within the organization, wherein the organization includes a plurality of secondary CA's capable of issuing at least one role certificate to respective groups of terminals of the organization, and wherein the organization includes a plurality of tertiary CA's capable of issuing at least one permission certificate to respective sub-groups of terminals of the organization (i.e., interpreted as a network controller or network card, which is inherently included in a networked computer); and

- a *memory* capable of storing an identity certificate, at least one role certificate and at least one permission certificate (col. 3, line 40),

wherein the controller is also capable of communicating with a server such that the server is capable of authenticating the terminal based upon the identity certificate, the at least one role certificate and the at least one permission certificate of the terminal to thereby determine whether to grant the terminal access to at least one resource of the server (understood).

5. All other dependent claims have been addressed before and remain rejected.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Reliance server for electronic transaction system, Asay et al., U.S Patent 5,903,882, published on 11 May 1999.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NANCY LOAN T. LE whose telephone number is **(571) 272-7066**. The examiner can normally be reached on Monday-Thursday, 7am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAMES P. TRAMMELL can be reached on **(571) 272-6712**. For **official/regular communication**, the fax number for the organization where this application or proceeding is assigned is **(571) 273-8300**. For **informal/draft communication**, the fax number is **(571) 273-7066** (rightfax).

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8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197 (toll-free)**.

9. Any response to this action should be *mailed* to:

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10. Hand delivered responses should be brought to:

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NL

03 October 2005


Primary Examiner
AU 3621